

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JOHN PLAINTIFF,
Plaintiff,

vs. Case No. 2:20-cv-11718-GAD-DRG

WAYNE STATE UNIVERSITY,
WAYNE STATE UNIVERSITY
SCHOOL OF MEDICINE,
NICOLINA CAMAJ, MARGIT CHADWELL,
MATTHEW JACKSON, RICHARD S. BAKER,
R. DARIN ELLIS, in their individual
and official capacities,
jointly and severally,
Defendants.

VIDEOCONFERENCE DEPOSITION

DEPONENT: MATTHEW JACKSON, Ph.D.
TIME: 9:59 a.m.
DATE: Friday, November 19, 2021
REPORTER: Denise M. Kizy, RPR, CRR, CSR-2466

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<p style="text-align: right;">Page 54</p> <p>1 referring to a specific policy of the 2 Professionalism Committee?</p> <p>3 MR. FLORES: I am. I am.</p> <p>4 MR. PORTER: I think it would be 5 helpful if we show the witness the document so 6 that he can --</p> <p>7 MR. FLORES: Okay. Please publish 8 Exhibit A.</p> <p>9 MR. PORTER: Feel free to take your 10 time to read the document.</p> <p>11 MR. FLORES: And if you would take a 12 look at page 9 of 12. If you would go down to 13 page 9 of 12, and if you would just show that to 14 Dr. Jackson, let him familiarize himself with 15 it.</p> <p>16 THE WITNESS: Okay.</p> <p>BY MR. FLORES:</p> <p>Q. And if you would just go up to page 8 of 12 as well, take a look at that.</p> <p>A. Okay.</p> <p>Q. All right. So is it accurate to say that the Dean of Students, the Dean of Basic Sciences or the Assistant Dean of Clinical Sciences, that those individuals can receive complaints and undertake an investigation?</p>	<p style="text-align: right;">Page 56</p> <p>1 forwarded to me.</p> <p>2 MR. FLORES: Could you slowly scroll 3 for Dr. Jackson.</p> <p>4 Dr. Jackson, if you need them to stop 5 at any point, just ask them to.</p> <p>6 Just scroll through just to make sure 7 that we're talking about the same document.</p> <p>8 MR. PORTER: Bob, I'm not seeing any 9 Bates numbers on this document. Was this in 10 your client's possession or was it produced?</p> <p>11 MR. FLORES: I believe this was 12 produced. I'm not sure why there are no Bates 13 stamps on here.</p> <p>14 MR. PORTER: Okay. But it's in your 15 client's possession?</p> <p>16 MR. FLORES: Yeah, and it was listed 17 as the Professionalism Committee file.</p> <p>18 MR. PORTER: Produced by you to us?</p> <p>19 MR. FLORES: No, produced by you to 20 us, because we would have had Bates stamps on 21 it, too. I'm not sure why they're not on here.</p> <p>22 MR. PORTER: Okay.</p> <p>BY MR. FLORES:</p> <p>Q. Does that look like the document that you -- the document and materials that you</p>
<p style="text-align: right;">Page 55</p> <p>1 MR. PORTER: Objection; form.</p> <p>2 THE WITNESS: Yes, that's correct.</p> <p>3 BY MR. FLORES:</p> <p>4 Q. And one of the outcomes there is that 5 no further action is taken; is that right?</p> <p>6 A. Yes, that's possible, yes.</p> <p>7 Q. Now in this case at some point in 8 time did you receive a report from the Office of 9 the Dean of Students at the medical school 10 regarding my client, Anthony Eid?</p> <p>11 A. The report came to Dr. Chadwell, and 12 then Dr. Chadwell provided the material to me.</p> <p>13 MR. FLORES: All right. And would 14 you please publish Exhibit B for Dr. Jackson. 15 I'm sorry, that's not Exhibit B. 16 Exhibit C.</p> <p>17 MARKED FOR IDENTIFICATION: 18 EXHIBIT C 19 11:23 a.m.</p> <p>20 MR. FLORES: And if you would scroll 21 down to the next page.</p> <p>22 BY MR. FLORES:</p> <p>23 Q. Dr. Jackson, do you recognize that?</p> <p>24 A. Yes, that as my recollection is that 25 was with the material that Dr. Chadwell</p>	<p style="text-align: right;">Page 57</p> <p>1 received from Dr. Camaj?</p> <p>2 A. Yes, it looks like what she provided 3 to Margit Chadwell and then Margit Chadwell 4 provided it to me.</p> <p>5 Q. Okay. Yes. I apologize for that. 6 That's my mistake.</p> <p>7 Now when you receive a document like 8 this as the chair of the Professionalism 9 Committee, what's your first responsibility with 10 respect to the information you receive?</p> <p>11 A. Well, first, it would be to schedule 12 a Professionalism Committee meeting with all the 13 different members. That would be the first 14 responsibility.</p> <p>15 Q. And do you have any responsibility 16 with respect to investigation?</p> <p>17 MR. PORTER: Objection; form.</p> <p>18 THE WITNESS: Yes, if there would be 19 additional documentation that was needed then I 20 would have the responsibility of contacting 21 individuals who may be able to provide that.</p> <p>22 BY MR. FLORES:</p> <p>23 Q. And do you remember if you read 24 through the material that you received from Dr. 25 Chadwell shortly after receiving it?</p>

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<p>1 Q. Did you investigate the complainant 2 to determine whether her claims to have felt 3 harassed were supported by the evidence? 4 MR. PORTER: Objection; form. 5 THE WITNESS: No, I did not. 6 BY MR. FLORES: 7 Q. Did there come a time that you 8 conducted an investigation with respect to where 9 my client lived? 10 MR. PORTER: Objection; form. 11 THE WITNESS: During the 12 Professionalism Committee, we have record of 13 where students' addresses, so during the 14 Professionalism Committee hearing we looked that 15 up on-line and found -- 16 BY MR. FLORES: 17 Q. I'm sorry? 18 A. And we found his address at that 19 time. 20 Q. And was there a charge that related 21 to my client's address that you recall? 22 MR. PORTER: Objection; form. 23 THE WITNESS: The implication was 24 that Amanda had mapped the location of the 25 individual who had taken over her account,</p>	<p style="text-align: right;">Page 62</p> <p>1 the subject of unauthorized access? 2 MR. PORTER: Objection; form. 3 THE WITNESS: No, I didn't 4 investigate that. 5 BY MR. FLORES: 6 Q. And did you ever learn whether 7 Nikolina Camaj ever conducted an actual 8 investigation regarding the complaint or -- 9 MR. PORTER: Objection; form. Sorry. 10 BY MR. FLORES: 11 Q. Based on your recollection, what was 12 Ms. Camaj's responsibility or role in this case? 13 A. My understanding was that she 14 collected the initial documents and then that 15 she interviewed Amanda Burton and Anthony Eid 16 and collected -- I believe that he provided a 17 statement as part of that interview, and that 18 was part of the packet that she forwarded over 19 to Dr. Chadwell. 20 Q. Do you remember whether she actually 21 investigated whether the claims made by either 22 party were accurate? 23 MR. PORTER: Objection; form. 24 THE WITNESS: I'm not aware that she 25 did that, no.</p>
<p>1 someone had spoofed her account and was 2 pretending to be her on-line, and she was able 3 to map that individual to a location in Detroit, 4 and that location corresponded to Mr. Eid's 5 address at that time. 6 BY MR. FLORES: 7 Q. Is it your testimony today that the 8 location that had been mapped was my client's 9 specific address? 10 A. As I recall from that, it was -- the 11 location was mapped to an intersection and his 12 address was adjacent. It was on the corner of 13 that intersection is what I recall. 14 Q. But you did not -- or let me -- I'll 15 withdraw that. 16 Did you interview any of the 17 complainants' friends who allegedly had 18 knowledge about the harassment? 19 A. No, I did not. 20 Q. Did you ask the Wayne State Police 21 Department to run a criminal background check on 22 the complainant? 23 A. No. 24 Q. Did you investigate whether my 25 client's banking or social media accounts were</p>	<p style="text-align: right;">Page 63</p> <p>1 BY MR. FLORES: 2 Q. Was there ever a time that you asked 3 my client to surrender his computer and cell 4 phone for the purpose of submitting it for a 5 forensics analysis? 6 A. No. 7 Q. Are you aware of whether Nikolina 8 Camaj ever had a forensic examination of the 9 computer or phone done? 10 A. No. 11 Q. Did you ever learn that the events 12 complained of by her did not take place on Wayne 13 State University property? 14 A. My understanding -- I'm not clear on 15 your question. 16 Q. Are you aware now -- let me rephrase 17 that. 18 How did you determine -- let me 19 withdraw that. 20 Under the school's rules, the 21 university has a responsibility to investigate 22 conduct that occurs on school property; is that 23 correct? 24 MR. PORTER: Objection; lack of 25 foundation. Are we still talking about the</p>

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<p style="text-align: right;">Page 78</p> <p>1 met in a conference room. There was an area 2 outside where they could wait, but I told him to 3 come and wait after they were finished. 4 So I -- the answer is I don't know 5 where he was waiting when they were in the room. 6 He was not in the vicinity of the conference 7 room that we were meeting with them. 8 Q. And was that intentional on your 9 part? 10 A. Yes. 11 Q. What was the reason for that? 12 A. I didn't want them to have to 13 interact in person. 14 Q. Were you aware that one of the goals 15 of Mrs. Burton's was to make sure that Anthony 16 did not become a doctor? 17 MR. PORTER: Objection; form and 18 foundation. 19 THE WITNESS: I was not aware of 20 that. 21 BY MR. FLORES: 22 Q. If you had known that would you 23 have -- would that have affected your evaluation 24 of her testimony? 25 MR. PORTER: Objection; form.</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Yes, they did. They would have 2 asked -- they asked him a number of questions. 3 Q. Do you remember any of the questions 4 that he was asked? 5 A. I don't recall specific questions, 6 no. 7 Q. Prior to his testimony that morning, 8 did you provide him with a summary of what 9 had -- what Amanda Burton or Pamela Burton had 10 testified to? 11 MR. PORTER: Objection; form. 12 THE WITNESS: No, I did not. 13 BY MR. FLORES: 14 Q. So that all that he would have known 15 about the complaint against him was related to 16 the materials you had shown him during your 17 meeting? 18 MR. PORTER: Objection; form. 19 THE WITNESS: That was the 20 information that he had going to the committee, 21 correct. He had reviewed the documents that 22 they had. 23 BY MR. FLORES: 24 Q. Now, Dr. Jackson, if I accused you of 25 a crime to a police officer, do you think it's</p>
<p style="text-align: right;">Page 79</p> <p>1 THE WITNESS: Well, I didn't evaluate 2 her testimony. That was up to the committee. I 3 didn't have any role in the decision-making. I 4 was just -- I chaired it, so it was a logistics 5 process. So, no, it wouldn't have affected my 6 actions, no. 7 BY MR. FLORES: 8 Q. Do you think it might have affected 9 any of the Professionalism Committee members? 10 MR. PORTER: Objection; calls for 11 speculation. 12 THE WITNESS: I would have to 13 speculate to try and speculate what was in their 14 mind at the time. I don't know. 15 BY MR. FLORES: 16 Q. Now when my client entered the room 17 that the hearing was being held in, was he 18 introduced by anybody? 19 A. Me. I would have introduced him to 20 the committee. 21 Q. And did you ask him any questions? 22 A. I don't recall specifically. I 23 believe I may asked him to confirm his address. 24 Q. And did any of the members of the 25 Professionalism Committee ask him any questions?</p>	<p style="text-align: right;">Page 81</p> <p>1 important for the police officer to ascertain 2 what relationship you and I have? 3 MR. PORTER: Objection; calls for 4 speculation and form. 5 BY MR. FLORES: 6 Q. If you can answer it. 7 A. I wouldn't think that the police 8 officer would be responsible for finding out the 9 nature of our relationship. I think they 10 would -- you know, I would think they would just 11 have to respond to the complaint and deal with 12 it from there. I don't think it would be there 13 position to understand if there was some 14 history, for example, in your scenario between 15 us. 16 Q. But in this case your job was to 17 investigate the charges against my client; is 18 that right? 19 MR. PORTER: Objection; form. 20 THE WITNESS: Investigation to the 21 point of gathering the information, the 22 documents, that were going to be provided to the 23 Professionalism Committee, but no, not 24 investigate beyond that point. Not to the 25 point, for example, a criminal investigation or</p>

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<p style="text-align: right;">Page 90</p> <p>1 after notifying was then I provided all the 2 documents to the chair of Promotions Committee 3 who then would have been responsible for 4 coordinating and organizing that committee 5 meeting and then communicating to Mr. Eid for 6 that meeting date.</p> <p>7 BY MR. FLORES:</p> <p>8 Q. And did you have any further 9 involvement with the case after writing the 10 letter to my client informing him of the 11 decision?</p> <p>12 MR. PORTER: Objection; form.</p> <p>13 THE WITNESS: I forwarded all the documentation to the Promotions Committee, and that was my involvement. I attended the Promotions Committee meeting, but I wasn't on that committee.</p> <p>14 BY MR. FLORES:</p> <p>15 Q. Did you speak at the Promotions Committee meeting?</p> <p>16 A. I don't recall if I -- my role in that committee would have been to answer questions from the actual committee, but I do not recall if they had any questions of me.</p> <p>17 Q. Do you remember whether Dr. Chadwell</p>	<p style="text-align: right;">Page 92</p> <p>1 out and look at accounts and looks into other, you know, other issues, and no, they could not 2 be in the role of investigating that. I think 3 the goal was they were presented with the 4 material, reviewed it, and then they had the 5 opportunity to ask the student in this case what 6 happened, his own words. 7 So I would say, no, the goal was for 8 them to gain a better understanding of what was 9 going on, of his motivations and the outcomes.</p> <p>10 BY MR. FLORES:</p> <p>11 Q. But my client testified that he had a legitimate purpose for staying in contact with Amanda Burton; is that right?</p> <p>12 MR. PORTER: Objection; assumes facts not in evidence.</p> <p>13 THE WITNESS: I seem to recall that that was his testimony with the Professionalism Committee was yes, he argued he had a legitimate reason staying in contact with her.</p> <p>14 BY MR. FLORES:</p> <p>15 Q. And he denied sending any lawyer letter, fraudulent or otherwise, to Amanda Burton; is that right?</p> <p>16 A. I seem to recall he did deny that,</p>
<p style="text-align: right;">Page 91</p> <p>1 was at that Promotions Committee meeting?</p> <p>2 A. I don't recall specifically. I would be presuming or assuming because she was in attendance at all of those, but I would assume yes. I can't say for certain that she was there. I don't recall.</p> <p>3 Q. Dr. Jackson, looking back at the way you conducted the Professionalism Committee hearing for my client, what was the most important goal that you had for that hearing?</p> <p>4 MR. PORTER: Objection; form, foundation.</p> <p>5 THE WITNESS: The goal would be to provide the student, in this case Anthony Eid, an opportunity to tell his side of things to the committee.</p> <p>6 BY MR. FLORES:</p> <p>7 Q. It was not to fully investigate the charges against him?</p> <p>8 MR. PORTER: Objection; argumentative.</p> <p>9 THE WITNESS: My interpretation of the word "investigate" was that committee would have been responsible for digging deeper. Some of the questions you've asked me, did they go</p>	<p style="text-align: right;">Page 93</p> <p>1 yes.</p> <p>2 Q. So clearly there was a dispute between the different -- in terms of the witness testimony, what Ms. Burton testified to and what Mr. Eid testified to were in conflict with one another; is that right?</p> <p>3 MR. PORTER: Objection to the extent that you are characterizing his prior testimony, that's not accurate, but if you can answer the question, feel free.</p> <p>4 THE WITNESS: I don't think there was a discussion of the conflict between them. It was not a he said, she said. There was so much -- there was so much documentation with all the text messages that did come from Anthony Eid that I think my opinion was the committee saw that as something that was very impactful, very important, to their decision-making.</p> <p>5 BY MR. FLORES:</p> <p>6 Q. But at the same time the allegation was that all of that conduct back and -- all that communication back and forth was legitimate, it had a legitimate purpose.</p> <p>7 Didn't that make a difference to the committee?</p>

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<p style="text-align: right;">Page 110</p> <p>1 university -- well, as far as I know legally in 2 Michigan, it's prohibited.</p> <p>3 BY MR. FLORES:</p> <p>4 Q. It's prohibited from recording a 5 Professionalism Committee hearing?</p> <p>6 A. Well, I was putting that in a 7 different context. No, if everybody in 8 attendance is aware that it's being recorded 9 then it's permitted, yes. I was thinking of 10 somebody --</p> <p>11 MR. PORTER: Objection. Are we 12 talking about generally or this Professionalism 13 Committee that Mr. Eid attended?</p> <p>14 BY MR. FLORES:</p> <p>15 Q. The Professionalism Committee that 16 you chaired, was there any rule that you were 17 aware of that prohibited you from recording the 18 hearing?</p> <p>19 A. No, I'm not aware of any rule that 20 would prohibit that.</p> <p>21 Q. Dr. Jackson, are you familiar with a 22 Dear Colleague letter that was sent by the 23 Department of Education's Office of Civil Rights 24 to schools, colleges and universities in 2011 25 dealing with Title 9?</p>	<p style="text-align: right;">Page 112</p> <p>1 Ms. Robichaud probably at the same time, but, 2 yes, I would have had conversations with them.</p> <p>3 Q. And do you remember what the nature 4 of that conversation was?</p> <p>5 A. No, no, other than -- it would be 6 speculation. I'm trying to recall what 7 happened, but it would just be the nature of the 8 next step would be the Promotions Committee.</p> <p>9 Q. Do you recall whether or not Dr. 10 Chadwell or Ms. Robichaud was pleased with the 11 decision by the Professionalism Committee?</p> <p>12 MR. PORTER: Objection; calls for 13 speculation.</p> <p>14 THE WITNESS: I can't --</p> <p>15 BY MR. FLORES:</p> <p>16 Q. Did either of them express an opinion 17 as to whether or not the Professionalism 18 Committee had reached the proper decision?</p> <p>19 A. Yeah, I don't recall them expressing 20 any opinion after the decision was made.</p> <p>21 Q. Do you know how many conversations 22 you had with them, do you remember?</p> <p>23 A. No, I don't.</p> <p>24 MR. FLORES: If you would publish 25 Exhibit B for Dr. Jackson.</p>
<p style="text-align: right;">Page 111</p> <p>1 A. No, I can't say that I'm familiar 2 with that.</p> <p>3 Q. Are you aware of what penalties the 4 Department of Education can impose on a school 5 that fails to properly address Title 9 concerns?</p> <p>6 A. No. I'm not aware of those 7 penalties.</p> <p>8 Q. And after the close of the 9 Professionalism hearing on February 7th of 2019, 10 did you have any conversations with my client?</p> <p>11 A. No, other than the e-mail 12 communication I had to him with the letter 13 giving the decision of the Professionalism 14 Committee, but no conversations.</p> <p>15 Q. Did you talk to Dean Chadwell after 16 the Professionalism Committee reached its 17 decision?</p> <p>18 A. Specifically about the decision or 19 Mr. Eid?</p> <p>20 Q. Any aspect of the case.</p> <p>21 A. I don't recall any specific 22 conversations, but very possibly I did.</p> <p>23 Q. How about with Ms. Robichaud?</p> <p>24 A. If it would have been -- if it would 25 have been Dr. Chadwell it would have been</p>	<p style="text-align: right;">Page 113</p> <p>1 MARKED FOR IDENTIFICATION: 2 EXHIBIT B 3 1:17 p.m.</p> <p>4 BY MR. FLORES:</p> <p>5 Q. Dr. Jackson, if you would, just read 6 that first portion and once you're done let me 7 know.</p> <p>8 A. All right.</p> <p>9 Q. And are you familiar with this 10 document prior to my showing it to you this 11 morning?</p> <p>12 A. No, I'm not.</p> <p>13 MR. FLORES: All right. I have no 14 further questions for the witness.</p> <p>15 Dr. Jackson, thank you very much for 16 your time today. I appreciate it.</p> <p>17 MR. PORTER: I'm going to ask him a 18 few questions.</p> <p>19 MR. FLORES: Sure.</p> <p>20 EXAMINATION</p> <p>21 BY MR. PORTER:</p> <p>22 Q. Dr. Jackson, did you meet with 23 Anthony Eid on January 25, 2019?</p> <p>24 A. Yes, I believe that was the prep 25 session.</p>

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<p style="text-align: right;">Page 114</p> <p>1 Q. And was the purpose of that to 2 provide him the materials that would be later 3 provided to the Professionalism Committee? 4 A. Yes. 5 Q. Did he have an opportunity during 6 that meeting to review the materials? 7 A. Yes. 8 Q. Did he ask you any questions about 9 any of the materials? 10 A. I don't recall him asking specific 11 questions about the material, no. 12 Q. Were you present while he was 13 reviewing the materials? 14 A. Yes, I was. 15 Q. And did he deny the -- well, strike 16 that. 17 Included in those materials were text 18 messages that were provided by Amanda Burton 19 between her and Anthony Eid; is that correct? 20 A. Yes, that's correct. 21 Q. And those were included in the packet 22 of materials; is that correct? 23 A. Yes. 24 Q. And did he deny sending any of the 25 text messages as he was reviewing them there in</p>	<p style="text-align: right;">Page 116</p> <p>1 really -- I couldn't understand the question. 2 Can you repeat it? 3 BY MR. PORTER: 4 Q. Is it your testimony earlier today 5 that the primary focus of the Professionalism 6 Committee is on the student in question and 7 their conduct during the Professionalism 8 Committee? 9 A. Yes, that's correct. 10 Q. And was that true in Mr. Eid's case? 11 A. Yes. 12 Q. And so would it be fair to say that 13 any testimony by Ms. Burton that may have been, 14 in Mr. Flores' words, inconsistent was not 15 material to the purpose or the objective of the 16 Professionalism Committee? 17 A. That's correct. 18 Q. Earlier today you were asked 19 questions about, quote, charges that were filed 20 against Mr. Eid in front of the Professionalism 21 Committee; is that correct? 22 A. Yes. 23 Q. And is it your understanding that 24 there are multiple charges filed against the 25 particular student or just a charge?</p>
<p style="text-align: right;">Page 115</p> <p>1 your office? 2 A. No, he did not. 3 Q. That material was then later provided 4 to the Professionalism Committee; is that 5 correct? 6 A. Yes, that's correct. 7 Q. And was he asked questions about 8 those text messages during the Professionalism 9 Committee? 10 A. Yes. 11 Q. Did he deny sending any of the text 12 messages during the Professionalism Committee? 13 A. No, he did not. 14 Q. Did he take responsibility for 15 sending them? 16 A. Yes, he did. 17 Q. Mr. Flores asked you some questions 18 about disputes between Ms. Burton and Mr. Eid, 19 and as I heard you testify the primary emphasis 20 of inquiry by the Professionalism Committee was 21 on the statements that the student was subject 22 to the Professionalism Committee gave to the 23 Professionalism Committee; is that true? 24 A. Yes, that's the principal mission. 25 MR. FLORES: I'm sorry, David, I</p>	<p style="text-align: right;">Page 117</p> <p>1 A. In this particular case, there were 2 multiple charges. 3 Q. Okay. And what was just the -- what 4 was the overall description or nature of the 5 charge against Mr. Eid? 6 A. I think it was the cyberstalking and 7 continued aggressive messages, unwanted 8 messages, that he sent to Amanda. 9 Q. Okay. And then earlier today you 10 were asked questions about the Student Code of 11 Conduct. Do you recall? 12 A. Yes. 13 Q. Does the Professionalism Committee 14 follow the guidelines that are set out in the 15 Student Code of Conduct? 16 A. No, it doesn't. 17 Q. Is the Professionalism Committee 18 bound by those guidelines? 19 A. No, it's not. 20 Q. Okay. That's all the questions I 21 have for you. 22 MR. PORTER: Bob, anything more? 23 MR. FLORES: No. 24 MR. PORTER: Denise, I assume Mr. 25 Flores ordered a copy of the transcript or</p>